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26 SEP 1995

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In re Application of  
MIYAZONO et al  
Application No.: 08/436,265  
PCT No.: PCT/GB93/02367  
Int. Filing Date: 17 November 1993  
Priority Date: 17 November 1992  
Attorney Docket No.: LUD 5298 JEL  
For: ACTIVIN RECEPTOR-LIKE KINASES,  
PROTEINS HAVING SERINE  
THREONINE KINASE DOMAINS AND  
THEIR USE

NOTIFICATION

This application is before the PCT Legal Office for matters pertaining to 35 U.S.C.  
371.

**BACKGROUND**

On 17 November 1993, applicants filed international application No. PCT/GB93/02367 which claimed a priority date of 17 November 1992, and which designated the United States.

On 09 June 1994, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date, and as a result the deadline for entry into the national stage in the U.S. was extended to expire 30 months from the priority date, i.e. 17 May 1995.

On 16 May 1995, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the basic national fee; the surcharge for late filing of the oath or declaration; a copy of the international application; and an unexecuted declaration of the inventors.

On 27 June 1995, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath or declaration in compliance with 37 CFR 1.63 was required.

On 18 July 1995, applicants filed an executed declaration of the inventors.

On 30 August 1995, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date under 35 U.S.C. 102(e) and 371 of 18 July 1995.

### DISCUSSION

A review of the application file reveals that the declaration is not in compliance with 37 CFR 1.63(c) which states:

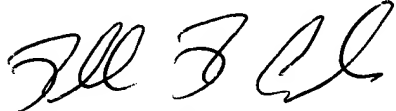
- (c) In addition to meeting the requirements of paragraphs (a) and (b) of this section, the oath or declaration in any application in which a claim for foreign priority is made pursuant to 1.55 must identify the foreign application for patent or inventor's certificate on which priority is claimed and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing.

The application file reveals that the originally filed declaration does not set forth all of the foreign applications upon which priority is claimed as is required. Therefore, in that the declaration is not compliance with 37 CFR 1.63, applicants have not met the requirements for entry into the national stage under 35 U.S.C. 371, and the 30 August 1995 NOTIFICATION OF ACCEPTANCE OF APPLICATION was erroneously mailed by the DO/EO/US.

### CONCLUSION

For the reasons above, the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 mailed on 30 August 1995 is hereby VACATED.

Applicants are given ONE (1) MONTH from the mail date of this notification, or until the expiration of any extensions of the period for response set in the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 which may be available under 37 CFR 1.136(a), in order to file a declaration of the inventors in compliance with 37 CFR 1.63. Failure to timely file a proper response will result in ABANDONMENT of the application.



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